

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Harrison	Team: Team # 2	CCRB Case #: 201114024	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/07/2011 11:05 PM	Location of Incident: Belmont Avenue and Cleveland Street	Precinct: 75	18 Mo. SOL 4/7/2013	EO SOL 4/7/2013	
Date/Time CV Reported Mon, 10/17/2011 12:55 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 10/17/2011 12:55 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christophe Carlin	05906	920093	GANG BN
2. POM Bilal Ates	03360	934429	GANG BN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 John Holland	04102	920399	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.POM Bilal Ates	Abuse: PO Bilal Ates stopped § 87(2)(b) and an individual.	
B.DT3 Christophe Carlin	Abuse: Det. Christopher Carlin stopped § 87(2)(b) and an individual.	
C.POM Bilal Ates	Discourtesy: PO Bilal Ates spoke discourteously to § 87(2)(b)	
D.POM Bilal Ates	Abuse: PO Bilal Ates frisked § 87(2)(b)	
E.DT3 Christophe Carlin	Abuse: Det. Christopher Carlin frisked an individual.	
F.DT3 Christophe Carlin	Abuse: Det. Christopher Carlin searched an individual.	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

## Case Summary

On October 17, 2011, Marilyn § 87(2)(b) filed this complaint with the CCRB via mail on behalf of her son, § 87(2)(b) (encl. 3A). § 87(2)(b) did not witness the incident. On October 7, 2011, at 11:05 p.m., § 87(2)(b) was arrested at Belmont Avenue and Cleveland Street in Brooklyn and charged with § 87(2)(b). The following allegations resulted:

- **Allegation A – Abuse of Authority: Det. Bilal Ates stopped § 87(2)(b) and § 87(2)(b)**
- **Allegation B – Abuse of Authority: Det. Christopher Carlin stopped § 87(2)(b) and § 87(2)(b)**
- **Allegation C – Discourtesy: PO Bilal Ates spoke discourteously to § 87(2)(b)**
- **Allegation D – Abuse of Authority: PO Bilal Ates frisked § 87(2)(b)**
- **Allegation E – Abuse of Authority: Det. Christopher Carlin frisked § 87(2)(b)**
- **Allegation F – Abuse of Authority: Det. Christopher Carlin searched § 87(2)(b)**  
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)

## Results of Investigation

## Civilian Statements

**Victim:** § 87(2)(b)

- § 87(2)(b) a black, male § 87(2)(b) t who stands 5'10" tall, weighs 155 lbs., and has black hair and brown eyes, was § 87(2)(b) old at the time of the incident.

On October 27, 2011, § 87(2)(b) was interviewed at the CCRB (encl. 5A-F).

On October 7, 2011, at approximately 11:05 p.m., § 87(2)(b) his cousin, § 87(2)(b) and § 87(2)(b) s friend, § 87(2)(b) (last name unknown) were walking on the streets of East New York in Brooklyn, looking for a party that § 87(2)(b) had heard about. § 87(2)(b) did not know exactly where he was because he was unfamiliar with the neighborhood. § 87(2)(b) wore yellow sweatpants and a navy blue track jacket, and he had his keys and a lighter in his left pants pocket, his iPod in his right pants pocket, and nothing in his jacket pockets. § 87(2)(b) a § 87(2)(b) year-old black male who stood 5' to 5'1" tall and weighed 130 lbs. wore a gray and blue track jacket, and blue sweat pants. § 87(2)(b) had a phone in his left jacket pocket. § 87(2)(b) (no description provided) wore a puffy orange jacket, jeans, and sneakers. § 87(2)(b) did not have

anything in his pockets. § 87(2)(b) had had one shot of whiskey approximately two hours prior and still felt under the influence of alcohol. § 87(2)(b) and § 87(2)(b) were not intoxicated. Neither § 87(2)(b) nor § 87(2)(b) were carrying any bags or objects in their hands. None of the them had any identification or weapons on their persons.

§ 87(2)(b) and § 87(2)(b) encountered a group of approximately ten, unidentified young females who were walking in the street toward a house. § 87(2)(b) and § 87(2)(b) did not know any of the females. § 87(2)(b) and § 87(2)(b) approached the young females from behind and tried to talk to them. The females ran away from the § 87(2)(b) and § 87(2)(b) into the house. One of the females then came out of the house and asked § 87(2)(b) who they were. § 87(2)(b) said his name was Kurt and that he was looking for a party. § 87(2)(b) told the female that he had not meant to frighten them and that he wanted to talk to one of the other females. The female told her friends that § 87(2)(b) and § 87(2)(b) did not intend to hurt them. § 87(2)(b) told the female that he wanted to talk to one of her friends. The female called to her friend inside the house, but the friend did not come outside.

A livery cab arrived outside the location, and the group of young females ran to the cab. § 87(2)(b) asked the young females where they were going, and they just told him that they were leaving. However, the cab drove away without taking any female passengers. The females started to walk down the street, and § 87(2)(b) and § 87(2)(b) followed in the same direction but on the opposite side of the street.

Two unmarked black cars and two unmarked silver cars then arrived on the street. PO Bilal Ates (identified by investigation, described by § 87(2)(b) as a bald, white man in his mid-30's who stood 5'11" tall, weighed approximately 300 lbs., wore a gray sweater and a fitted hat, and who was distinguished from the other officers by his very stock build), Det. Christopher Carlin (identified by investigation, described as a white man in his late 20's who stood 6'3" tall, weighed 170 to 180 lbs. and wore an unspecified sports jersey), PO1 (described by § 87(2)(b) as a white man in his 30's who stood 5'10" tall, weighed 250 lbs., who wore a black sweater and a hat), and PO2 (a Hispanic man at whom § 87(2)(b) did not get a good look and therefore could not describe in detail) approached the group of young females and spoke with them. § 87(2)(b) initially stated that PO Ates and PO1 were in one of the silver cars but later stated that Det. Carlin appeared to be PO Ates' partner.

The females spoke to the officers with raised voices, but § 87(2)(b) could not hear what they said because he was on the opposite side of the street. Some officers continued to talk to the female, and some officers started to get back in their cars—§ 87(2)(b) did not recall which officers did what. § 87(2)(b) and § 87(2)(b) started to walk away from the location. Officers made a U-turn and drove toward them. § 87(2)(b) and § 87(2)(b) turned left onto another street. Officers in a silver car § 87(2)(b) did not specify which) drove up to § 87(2)(b) and § 87(2)(b) and instructed them to stop and not to run. § 87(2)(b) and § 87(2)(b) did not run away or change directions. The officers instructed § 87(2)(b) and § 87(2)(b) to face the gate in front of which they had stopped and put their hands up. § 87(2)(b) and § 87(2)(b) complied. § 87(2)(b) stood to § 87(2)(b)'s left, and § 87(2)(b) stood to § 87(2)(b)'s right.

PO Ates asked § 87(2)(b) and § 87(2)(b) where they were from and why they were in the area. § 87(2)(b) told PO Ates that he was from § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) told PO Ates that he was spending the night with § 87(2)(b). PO Ates asked § 87(2)(b) if he knew where he was, and § 87(2)(b) said no. PO Ates asked § 87(2)(b) what he was doing in the area. § 87(2)(b) told PO Ates that he had heard there was a party in the area, that he was looking for some “bitches,” and that he was trying to get some “pussy.” PO Ates told § 87(2)(b) to shut the “fuck” up. § 87(2)(b) told PO Ates that he was answering his questions and asked him why he was telling him to shut the “fuck” up. PO Ates again told § 87(2)(b) to shut the “fuck” up, and § 87(2)(b) told § 87(2)(b) to be quiet. § 87(2)(b) told § 87(2)(b) the officer was acting crazy. PO Ates stated to Det. Carlin, in reference to § 87(2)(b) that they had a “smart ass” over here.

PO Ates asked § 87(2)(b) if he knew him. § 87(2)(b) said no. PO Ates told § 87(2)(b) that he did know him and that if he caught § 87(2)(b) in the area again he would arrest him. An officer—§ 87(2)(b) did not specify which—asked § 87(2)(b) what he was doing in the area, and § 87(2)(b) stated that he was looking for a party.

PO Ates asked § 87(2)(b) and § 87(2)(b) if they had any weapons, and they said no. PO Ates frisked § 87(2)(b)'s pants pockets, frisked and searched his jacket pockets, and extracted his phone from his jacket pocket. PO Ates then frisked § 87(2)(b) jacket pockets; frisked § 87(2)(b) pants pockets, waist area, and legs; and then searched § 87(2)(b) pants pockets and removed all of his possessions from his pants pockets. Det. Carlin frisked and searched § 87(2)(b) jacket pockets. Officers also searched the ground around § 87(2)(b) and § 87(2)(b) and Det. Carlin searched the ground in the area behind the gate.

The officers gave all of § 87(2)(b) possessions to § 87(2)(b). § 87(2)(b) asked the officers if they were arresting § 87(2)(b). PO Ates told § 87(2)(b) yes because § 87(2)(b) was a “smart ass.” § 87(2)(b) asked how he was a “smart ass,” and § 87(2)(b) and § 87(2)(b) asked why § 87(2)(b) was being arrested. The officers did not state why § 87(2)(b) had been arrested, and PO Ates told § 87(2)(b) and § 87(2)(b) to leave. § 87(2)(b) was told at the stationhouse that he had been brought in because the officers wanted to see if he had a warrant and that he would be released if the warrant check were negative. No other profane or vulgar language than those utterances noted above was used by any civilian or police officer during the incident. § 87(2)(b) and § 87(2)(b) did not yell or make any provocative gestures or movements towards any of the officers at any point during the incident.

**Victim:** § 87(2)(b)

- § 87(2)(b) *a young black male, did not provide pedigree information.*

**Phone Statement**

On November 4, 2011, § 87(2)(b) provided a phone statement (encl. 6A).

At the time of the incident, § 87(2)(b) and § 87(2)(b) had just left a party, and § 87(2)(b) was talking to some young females. The young females signaled for the assistance of police officers driving by and told the officers that § 87(2)(b) was carrying a knife. Four uniformed officers and six plainclothes officers arrived at the location. Officers approached § 87(2)(b) and asked him where he was going. § 87(2)(b) told the officers he was going home. PO Ates (identified by investigation, described by § 87(2)(b) as an approximately 29-year-old white man in plainclothes who stood 5’11” to 6’ tall, weighed 240 to 250 lbs., who was in an unmarked, black car) guided § 87(2)(b) against a wall, frisked him, and asked him for identification, which § 87(2)(b) provided. § 87(2)(b) and § 87(2)(b) were also put against walls by officers. PO Ates

asked § 87(2)(b) if he had a knife and searched his pockets. No evidence was recovered from the search. One of the young females asked the officers to let § 87(2)(b) go. § 87(2)(b) said something to the young female—§ 87(2)(b) did not specify what. PO Ates then called § 87(2)(b) a "wise ass." No other profanity was used by any officer.

Voicemail messages were left for § 87(2)(b) on November 2, 2011, November 17, 2011, November 23, 2011, and November 25, 2011, and letters were sent to him on November 2, 2011, and November 17, 2011. After providing the above phone statement on November 4, 2011, § 87(2)(b) stated that he could not schedule a CCRB interview at that time and would schedule an interview on a later date. § 87(2)(b) has not contacted the CCRB since. According to the New York City Department of Correction Inmate Tracking System and the New York State Department of Corrections and Community Supervision Inmate Population Information Search, § 87(2)(b) was not incarcerated as of February 19, 2013.

### **Attempts to Contact Civilians**

Neither § 87(2)(b) nor § 87(2)(b) knew the full name or contact information of § 87(2)(b). No Stop, Question and Frisk Reports regarding the incident could be found. § 87(2)(g)

§ 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) did not know anyone in the group of females whom they approached. Neither PO Ates nor Det. Carlin described interacting with a group of females, and there was no information in their memo books or arrest paperwork regarding any female complainants or witnesses. § 87(2)(g)

### **NYPD Statements:**

#### **Subject Officer: DET. CHRISTOPHER CARLIN**

- *Det. Carlin of Gang Squad Brooklyn North, a white man who stands 6'1" tall, weighs 200 lbs., and has brown hair, hazel eyes, was § 87(2)(b) old at the time of the incident.*
- *Worked from 3:00 p.m. on October 7, 2011, to 5:33 a.m. on October 8, 2011, with PO Ates in plainclothes assigned to conducted enforcement in the confines of the 75<sup>th</sup> Precinct with PO Bilal Ates in an unmarked, blue Toyota Camry rental car, in plainclothes.*

#### **Memo Book Entries**

At 11:05 p.m. on October 7, 2011, one under arrest at corner of Cleveland Street and Belmont Avenue in Brooklyn, § 87(2)(b). At 11:15 p.m. on October 7, 2011, arrived at 75<sup>th</sup> Precinct stationhouse, arrest processing. At 1:10 a.m. on October 8, 2011, returned to command, arrest processing. (encl. 11A-B)

#### **Arrest Paperwork**

The Online Booking Sheet (OLBS) prepared by Det. Carlin regarding the arrest of § 87(2)(b) notes that on October 7, 2011, at 11:02 p.m., § 87(2)(b) was found in possession of § 87(2)(b) at the time and place of the incident, and that, at 11:05 p.m., § 87(2)(b) was arrested (encl. 8C-E). The accompanying UF-61 Complaint Report is consistent with the OLBS and does not name any complainants (encl. 8A-B).

### **Criminal Court Complaint Deposition and General Fact Sheet**

The criminal court complaint deposition prepared by Det. Carlin regarding the arrest of § 87(2)(b) states: “§ 87(2)(a) 160.50  
§ 87(2)(b).” (encl. 8I). The accompanying General Fact Sheet prepared by Det. Carlin states, “§ 87(2)(a) 160.50  
§ 87(2)(b) (encl. 8J)

### **CCRB Statement**

Det. Carlin was interviewed at the CCRB on December 21, 2012 (encl. 9A-C).

On October 7, 2011, at 11:05 p.m., PO Bilal Ates and Det. Carlin were driving in the confines of the 75<sup>th</sup> Precinct to the precinct stationhouse. PO Ates drove, and Det. Carlin was in the front passenger seat. Det. Carlin did not recall the make, model, or color of their car. PO Ates and Det. Carlin received a radio communication stating that shots had been fired at a location on Belmont Avenue between Ashford Street and Cleveland Street. Det. Carlin did not recall if any descriptions of any suspects were provided. PO Ates and Det. Carlin responded to the location because it was on their way.

Upon arriving at the location, Det. Carlin and PO Ates then observed a group of five to ten males in their late teens and early 20's, among whom was § 87(2)(b) traveling on foot on Belmont Avenue between Cleveland Street and Ashford Street toward Cleveland Street. The males then turned to travel southbound on Cleveland Street. Some of the males were running, and the others were walking quickly.

PO Ates and Det. Carlin pulled over, stopped the entire group of males, and directed them to stand near a fence near the intersection of Belmont Avenue and Cleveland Street. The males complied. Simultaneous with PO Ates and Det. Carlin stopping the males, at least four uniformed officers from the 75<sup>th</sup> Precinct arrived at the location in at least two marked cars. PO Ates and Det. Carlin were the only Gang Squad officers at the location, and all the other officers that responded to the location were uniformed officers in marked cars. The males whom PO Ates and Det. Carlin had stopped had an excited demeanor but did not make any statements to the PO Ates and Det. Carlin.

Det. Carlin then observed § 87(2)(b) who was among the group of males, throw a black object over the fence with his right hand. Det. Carlin initially thought that the object was a gun. Det. Carlin did not recall from where § 87(2)(b) had retrieved the gun prior to throwing it away.

Det. Carlin approached § 87(2)(b) asked § 87(2)(b) if he had any weapons on him, and then frisked § 87(2)(b) waist and pants pockets. Det. Carlin frisked § 87(2)(b) because he believed that § 87(2)(b) may have been armed (1) because he had observed § 87(2)(b) fleeing from a location where it had been reported that shots had recently been fired and (2) because he had observed § 87(2)(b) throw away what he perceived to be a gun. Det. Carlin found no weapons from § 87(2)(b) person.

Det. Carlin then went around the fence to search for the object he had seen § 87(2)(b) throw. PO Ates waited with § 87(2)(b). Det. Carlin found the object that § 87(2)(b) had thrown on the ground directly behind where § 87(2)(b) was standing on the opposite side of the fence. Det. Carlin discovered that the object was not a gun but a gravity knife with an approximately six-inch-long, black handle. § 87(2)(b) then went around to the other side of fence and searched § 87(2)(b). No evidence was recovered from the search of § 87(2)(b) person.

Det. Carlin did not frisk or search any civilian other than § 87(2)(b). Det. Carlin did not witness any officer other than himself frisk or search § 87(2)(b). Det. Carlin did observe officers from the 75<sup>th</sup> Precinct frisk other civilians at the location. PO Ates did not frisk or search any civilian, including § 87(2)(b).

Det. Carlin took down § 87(2)(b) pedigree information and asked him where he had been coming from. Det. Carlin could not recall § 87(2)(b) response. Det. Carlin conducted no other questioning of § 87(2)(b) and did not question any other civilians. PO Ates and Det. Carlin interacted primarily with § 87(2)(b) and not with any of the other civilians. One of the males—Det. Carlin did not recall which—stated that they had been at a party where someone had fired a gun. No officer used any profanity whatsoever, including telling any civilian to shut the “fuck” up or referring to any civilian as a “smart ass.” Neither Det. Carlin nor PO Ates threatened any civilian with arrest. Det. Carlin did not recall interacting with any civilian named § 87(2)(b) or fitting § 87(2)(b) s description.

**Subject Officer: PO BILAL ATEs**

- *PO Ates of Gang Squad Brooklyn North, a white man who stands 6' tall, weighs 290 lbs., and has black hair and brown eyes, was § 87(2)(b) old at the time of the incident.*
- *Worked from 3:00 p.m. on October 7, 2011, to 2:33 a.m. on October 8, 2011, assigned to conduct enforcement in the confines of the 75<sup>th</sup> Precinct with Det. Carlin in an unmarked, blue Toyota Camry rental car, in plainclothes.*

**Memo Book Entries**

At 11:05 p.m., one arrest by Det. Carlin (encl. 11A-B).

**CCRB Statement**

PO Ates was interviewed at the CCRB on January 10, 2011 (encl. 12A-B). § 87(2)(g)

PO Ates and Det. Carlin were in a blue, Toyota Camry three or four blocks away from the incident location when they received the radio call regarding a shooting. PO Ates described that area of the shooting as prone to violent crime and gang-related crime. When PO Ates and Det. Carlin responded to the location, they saw a crowd of approximately twenty people scattered around outside, running from a house party at the intersection. PO Ates then observed a group of four or five males, of which § 87(2)(b) was a part, that was walking quickly away from the location in the direction of PO Ates and Det. Carlin. PO Ates and Det. Carlin drove up toward the males in their car. § 87(2)(b) saw PO Ates and Det. Carlin approaching, retrieved an object from his person, and threw the object into some bushes.

PO Ates initially refused to answer any questions regarding the details of his observation of § 87(2)(b) throwing away the object, including questions about what the object looked like and with what hand § 87(2)(b) threw it. PO Ates stated that he would not answer these questions

because they were matters for criminal court and were irrelevant to the CCRB investigation. CCRB Inv. Harrison told PO Ates that the details of his observations were relevant to the resolution of the CCRB allegations and insisted that he answer questions about the details of his observation. PO Ates stated that the object that § 87(2)(b) threw was a “dark object” and did not describe the object in any more detail.

PO Ates and Det. Carlin stopped the entire group of males after observing § 87(2)(b) throw away the dark object. The males smelled like alcohol and had belligerent demeanors. PO Ates asked the males where they were coming from and whether they had heard any shots fired. The males stated that they were coming from the party and that the officers were harassing them. At least ten to fifteen additional officers responded to the location in at least four or five police cars, including uniformed officers from the 75<sup>th</sup> Precinct and plainclothes officers from an unknown command.

After Det. Carlin recovered the gravity knife, PO Ates frisked § 87(2)(b) § 87(2)(b) was also searched after the knife was recovered, but PO Ates did not specify who conducted the search. PO Ates and Det. Carlin did not frisk or search any of the other males. The other males in the group were frisked by other officers, but PO Ates did not recall by whom. PO Ates did recall that no other plainclothes officers frisked or searched the other males whom he and Det. Carlin had stopped.

**Subject Officer: DET. JOHN HOLLAND**

- *Det. Holland of Gang Squad Brooklyn North, a white man who stands 5’11” tall, weighs 225 lbs., and has brown hair and blue eyes, was § 87(2)(b) old at the time of the incident.*
- *Worked from 3:00 p.m. on October 7, 2011, to 2:33 a.m. on October 8, 2011, with in plainclothes assigned to conduct enforcement in the confines of the 75<sup>th</sup> Precinct with PO Dominick Vasaturo in an unmarked rental car.*

**Memo Book Entries**

At 10:05 p.m. on October 7, 2011, one under arrest by PO Vasaturo at the corner of Pennsylvania Avenue and Belmont Street. At 10:20 p.m. on October 7, 2011, arrived at the 75<sup>th</sup> Precinct stationhouse. Out of duty for arrest. At 1:10 a.m. on October 8, 2012, returned to command. Out of duty for administrative work at Brooklyn North Gang Squad. (encl. 14A-B)

**CCRB Statement**

Det. Holland was interviewed at the CCRB because the Online Booking Sheet and UF61 Complaint Report note that they were entered by Det. Holland (encl. 8A-E). Additionally, MISD records indicate that Det. Holland performed a warrant check information for § 87(2)(b) on the date of the incident (encl. 19A). On March 29, 2012, Det. Holland was interviewed at the CCRB (encl. 15A-B). Det. Holland did not participate in the incident. At the time of the incident, Det. Holland was processing an unrelated arrest made by PO Vasaturo at the 75<sup>th</sup> Precinct stationhouse. Det. Holland had no memory of checking for warrants for § 87(2)(b) or of entering the Online Booking Sheet or UF61 Complaint Report regarding the arrest of § 87(2)(b) § 87(2)(b)

**NYPD Documents**

***Police Communication Records***



On October 7, 2011, at 11:01 p.m., an anonymous female caller stated that there was a shooting at § 87(2)(b) in Brooklyn. § 87(2)(b), § 87(2)(f)

§ 87(2)(b) The 911 operator asked the caller if she had seen a gun, but the caller did not answer.

On October 7, 2011, at 11:01 p.m., the police radio dispatcher announced there had been one 911 call stating that a male may have been shot at § 87(2)(b) in Brooklyn. The dispatcher stated that the report of the shooting was unconfirmed and requested that a unit respond to the location and advise. Officers assigned to 75th Precinct sector A stated that they would respond. The dispatcher stated that there was a group of people outside the location coming from a party. At 11:04 p.m., the 75th Precinct anti-crime unit announced that they had responded to the location and requested twice that no further units respond to the location. Officers assigned to 75th Precinct sector A then stated that they had also arrived at the location. At 11:05 p.m., the 75th Precinct anti-crime unit stated that no one had been shot at the location. (encl. 17A-B)

#### ***Command Log***

The 75<sup>th</sup> Precinct Command Log notes that on October 7, 2011, at 10:15 p.m., defendant § 87(2)(b) was brought to the stationhouse under arrest by PO Vasaturo and was debriefed by Det. Holland (encl. 18A). The command log notes that at 11:13 p.m., § 87(2)(b) was brought to the stationhouse under arrest by Det. Carlin (encl. 18B).

#### ***Gang Squad Roll Call and Movement Sheet***

The Brooklyn North Gang Squad Roll Call for October 7, 2011 notes that PO Ates, Det. Carlin, Det. Holland, and Det. Vasaturo were on duty at the time of the incident. The Movement Sheet notes that on October 7, 2011, at 7:30 p.m., PO Ates, Det. Carlin, , Det. Holland, and Det. Vasaturo all signed out to conduct enforcement in the vicinity of the 75<sup>th</sup> Precinct. PO Ates and Det. Carlin went in one car, and Det. Holland and Det. Vasaturo went in another. At 12:15 p.m., PO Vasaturo returned the command alone. At 1:10 a.m., PO Ates, Det. Carlin, and Det. Holland returned to the command together. (encl. 21A-G)

#### ***Stop, Question and Frisk Report Index***

As of August 21, 2012, the 75<sup>th</sup> Precinct Stop, Question and Frisk Report Index did not list any Stop, Question and Frisk Reports regarding the incident (encl. 20A-F).

#### **Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- Neither, [§ 87(2)(b)] nor [§ 87(2)(b)] have filed a Notice of Claim with the City of New York with regard to the incident as of January 31, 2013, over one year past the filing deadline (encl. 26G).

### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian CCRB History**

- This complaint was filed by [§ 87(2)(b)] in conjunction with CCRB case [§ 87(2)(b)]

### **Subject Officer CCRB Histories**

- PO Ates has been a member of the service for eight years. In case 200704116, an allegation that PO Ates entered and searched a location was substantiated, and PO Ates was given instructions (encl. 1A-C).
- Det. Carlin has been a member of the service for 15 years and there are no substantiated CCRB allegations against him (encl. 1D).

### **Conclusion**

### **Allegations Not Pled**

[§ 87(2)(g)]

[§ 87(2)(g)]

[§ 87(2)(g)]

[§ 87(2)(g)]

§ 87(2)(g)

### **Identification of Subject Officers**

PO Ates and Det. Carlin confirmed their participation in the incident.

### **Investigative Findings and Recommendations**

#### **Allegation A – Abuse of Authority: PO Bilal Ates stopped § 87(2)(b) and**

§ 87(2)(b)

#### **Allegation B – Abuse of Authority: Det. Christopher Carlin stopped § 87(2)(b) and**

§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both stated that officers stopped them in connection with statements made to the officers by a group of unidentified females. § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) approached a group of ten females in the street to talk to them, that the females had become frightened by them and ran away from them twice, and that they had continued to follow the females even after they had attempted to run away. § 87(2)(b) stated that PO Ates, Det. Carlin, and two other unidentified officers then arrived on the block where the females were walking and approached the females. § 87(2)(b) stated that the females spoke to the officers in raised voices but that he did not hear what the females said. § 87(2)(b) stated that when the officers began to get into their cars, § 87(2)(b) and § 87(2)(b) began walking away from the location. § 87(2)(b) stated that the officers made a U-turn and began to drive in the direction of him, § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that he, § 87(2)(b) and § 87(2)(b) then changed direction, turning left onto another street, and were then stopped by two officers, identified by the CCRB investigation as PO Ates and Det. Carlin.

§ 87(2)(b) stated that § 87(2)(b) approached a group of unidentified females after leaving a party to talk to them. § 87(2)(b) stated that the females then flagged down unspecified officers who were passing by and told them that § 87(2)(b) had a knife. § 87(2)(b) stated that PO Ates then approached § 87(2)(b) and asked him where he was going. § 87(2)(b) stated that he told PO Ates that he was going home, and then PO Ates stopped him while other, unspecified officers stopped § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not provide a verified statement.

§ 87(2)(g)

Neither PO Ates nor Det. Carlin described having any interactions with civilians prior to stopping the group of which § 87(2)(b) and § 87(2)(b) were apart, nor did they state that their stops of § 87(2)(b) and § 87(2)(b) were based on complaints made to them by any civilians. Instead, Both PO Ates and Det. Carlin stated that they stopped a group males of which § 87(2)(b) was a part (and of which the CCRB investigation has determined § 87(2)(b) and § 87(2)(b) were also a part) while investigation a report of a shooting on Belmont Avenue between Ashford Street and

Cleveland Street. PO Ates stated that when he and Det. Carlin arrived at the location, there were approximately 20 people scattered around outside running away from a house party. PO Ates stated that he and Det. Carlin stopped a group of four or five males of which § 87(2)(b) was a part (1) because they observed the group walking quickly away from a shooting location immediately after the report of the shooting and (2) because § 87(2)(b) threw away a dark object, later discovered to be a knife, upon observing PO Ates and Det. Carlin. Det. Carlin stated that he and PO Ates stopped a group of five to ten males of which § 87(2)(b) was a part solely because they observed the group running and walking away from a shooting location immediately after the report of the shooting. According to Det. Carlin, § 87(2)(b) threw away a black object only after he had already been stopped.

Police communications records show that, at 11:01 p.m., a police radio call announced that there had been a possible shooting of a male at § 87(2)(b) and that there was a group outside the location coming from a party. The radio call did not provide a description of the shooter or shooters, nor did it specify whether the shooter or shooters were among the group outside the location. Det. Carlin's arrest paperwork notes that time of his initial observation of § 87(2)(b) as 11:02 p.m.. Det. Carlin's arrest paperwork did not mention any complainants accusing § 87(2)(b) or his companions of committing any crime. PO Ates and Det. Carlin had no memo book entries regarding any actions taken toward anyone other than § 87(2)(b) and no Stop, Question or Frisk reports could be found regarding the incident.

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – Discourtesy: PO Ates spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that PO Ates told him twice to shut the “fuck” up and referred to him twice as a “smart ass.” § 87(2)(b) stated that PO Ates called § 87(2)(b) a “wise ass.” § 87(2)(b) was not an independent witness and he did not provide a verified statement. PO Ates and Det. Carlin denied that any officer used any profanity whatsoever during the incident. § 87(2)(g)

**Allegation D – Abuse of Authority: PO Bilal Ates frisked § 87(2)(b)**

**Allegation E – Abuse of Authority: Det. Christopher Carlin frisked § 87(2)(b)**

**Allegation F – Abuse of Authority: Det. Christopher Carlin searched § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) alleged that PO Ates frisked § 87(2)(b) did not provide a verified statement. § 87(2)(b) additionally alleged that Det. Carlin frisked and searched § 87(2)(b) § 87(2)(b) did not make this allegation. PO Ates and Det. Carlin both denied that either of them frisked or searched any civilian other than § 87(2)(b) PO Ates and Det. Carlin had no memo book entries regarding any actions taken toward anyone other than § 87(2)(b) and no Stop, Question or Frisk reports could be found regarding the incident. § 87(2)(b)

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

